

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Girsh K. Muralidharan	§	Confirmation No.: 9698
	§	
Serial No.: 10/723,864	§	Group Art Unit: 2443
	§	
Filed: November 26, 2003	§	Examiner: Fearer, Mark D.
	§	
For: METHOD AND APPARATUS FOR	§	Atty. Docket: GEMS:0249/YOD/DOO
DYNAMICALLY ADAPTING	§	138256 SV
IMAGE UPDATES BASED ON	§	
NETWORK PERFORMANCE	§	

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37 C.F.R. 1.8

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June 30, 2009

/Patrick S. Yoder/

Date

Patrick S. Yoder

Sir:

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31 FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant hereby appeals to the Board of Appeals and Interferences from the Final Office Action mailed March 30, 2009, of the Examiner finally rejecting claims 1-18, 20-23, 31-35 and 40-49 of the above-referenced application.

Appellant notes that \$30 is concurrently due in association with the present Notice of Appeal. Section 1204.01 of the Manual of Patent Examining Procedure states:

Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. M.P.E.P. § 1204.01 (emphasis added).

Appellant previously paid \$510 for the Notice of Appeal filed on January 3, 2008. In the previous appeal, the Office reopened prosecution without a final Board decision. The current fee for a Notice of Appeal is \$540. Thus, as noted above, an additional fee of \$30 is due for this Notice of Appeal. However, if any other fees are deemed necessary, then Appellant authorizes the Commissioner to charge such fees to Deposit Account No. 50-2402; Order No. 138256-SV (GEMS:0249/YOD).

Respectfully submitted,

Date: June 30, 2009

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